

Court of Appeals, State of Michigan

ORDER

People of MI v Muthana Matthew Saif

Docket No. 273538

LC No. 05-004877-FH

Mark J. Cavanagh
Presiding Judge

Kathleen Jansen

Deborah A. Servitto
Judges

This case is before the Court on remand from the Michigan Supreme Court for consideration, as on leave granted, whether points may be assessed for Offense Variable 10, MCL 777.40(3)(a). The Court orders that the motion for peremptory reversal is GRANTED and this matter is REMANDED to the trial court for resentencing within 56 days of the Clerk's certification of this order. The trial court erred by scoring sentencing guidelines points against defendant under OV 10 for exploitation of a vulnerable victim where the victim was a police decoy. *People v Russell (On Remand)*, ___ Mich App ___; ___ NW2d ___ (2008).

We do not retain jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

FEB 11 2009

Date

Sandra Schultz Mengel
Chief Clerk